

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:19-CV-15-D

PHYLISS HALL,

Plaintiff,

v.

LOWES FOODS, LLC,

Defendant.

ORDER

On May 20, 2019, Lowes Foods, LLC ("Lowes Foods" or "defendant") moved to dismiss counts one, two, four, and five for failure to state a claim upon which relief can be granted [D.E. 7] and filed a memorandum in support [D.E. 8]. On June 6, 2019, Phyliss Hall ("Hall" or "plaintiff") responded in opposition [D.E. 12]. On June 12, 2019, Lowes Foods replied and requested that the court dismiss counts two and four [D.E. 13].

The court GRANTS defendant's motion to dismiss counts two and four [D.E. 7]. See Clark Cty. Sch. Dist. v. Breeden, 532 U.S. 268, 273–74 (2001) (per curiam); Perry v. Kappos, 489 F. App'x 637, 643 (4th Cir. 2012) (unpublished); Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 657 (4th Cir. 1998); Willingham v. Mabus, No. 5:16-CV-187-D, 2018 WL 2324347, at *6 (E.D.N.C. May 22, 2018), aff'd, No. 18-1920, 2019 WL 2124646 (4th Cir. May 15, 2019) (per curiam) (unpublished); Everett v. Redmon, No. 7:16-CV-323-D, 2017 WL 2313468, at *7 (E.D.N.C. May 26, 2017) (unpublished); Huckelba v. Deering, No. 5:16-CV-247-D, 2016 WL 6082032, at *3 (E.D.N.C. Oct. 17, 2016) (unpublished). The clerk shall continue management of the case.

SO ORDERED. This 2 day of July 2019.


JAMES C. DEVER III
United States District Judge